

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 03 SANTO DOMINGO 003548

SIPDIS

E.O. 12958: N/A

TAGS: [SNAR](#) [PREL](#) [EFIN](#) [DR](#)

SUBJECT: DOMINICAN REPUBLIC: CERTIFICATION REPORT CARD, 2004

REF: A. (A) MCISAAC-KUBISKE E-MAIL 6/16/04

[1](#)B. (B) 03 SANTO DOMINGO 3140

[1](#)1. Following is the narcotics certification report card 2004 for the Dominican Republic, requested Ref A (the 2003 report card is in Ref B).

[1](#)2. The United States Government (USG) worked with the Government of the Dominican Republic (GODR) to continue progress on establishing a regular and predictable process of extradition, including extradition of Dominican nationals.

-- The GODR has in place a regular process that has worked most of the time and has resulted in 57 extraditions since President Mejia took office in 2000 and 75 since the program became active in 1998. In each case, the Embassy receives a cable with a full extradition package requesting extradition of a subject. The Embassy sends a diplomatic note to the Foreign Ministry, which in turn notifies the Attorney General, who issues a provisional arrest warrant for extradition. The subject is then arrested and questioned, in accordance with provisions of Dominican law. The Attorney General makes a recommendation to the President, who makes a final decision after consulting with his legal adviser. The extradition warrant is signed and the fugitive is returned to the United States accompanied by a U.S. Marshal.

[1](#)3. There have been a few questionable cases within the past year. One fugitive was released from custody, subsequently re-arrested, and extradited. Four fugitives were arrested and released without any notice to the Embassy. We continue to follow up on these cases with the expectation that extraditions are still possible.

[1](#)4. The USG continued to urge the GODR to investigate and prosecute violators of the enhanced anti-money laundering law that expanded the crime of money laundering to beyond drugs to include other "serious crimes" as defined in the OAS model anti-money laundering law.

-- The GODR's multi-agency money laundering investigation unit, established last year under the National Drugs Council and headed by Lic. David Perez under the supervision of drug czar Bonaparte Gautreaux, has been slow to get organized and is still not fully functioning. The National Anti-Drug Department (DNCD), the National Police, and the Banking Superintendency each have their own money laundering investigation units.

[1](#)5. The USG has continued to press the GODR to take steps to address money laundering through remittance businesses and the smuggling of bulk cash shipments across borders.

-- Drug czar Gautreaux last year planned to assign investigators to money laundering by remittance and through the Dominican Republic's many casinos, but has done little in either area.

[1](#)6. The USG continues to work with the GODR to implement training programs and reforms to ensure that asset forfeiture becomes an effective and regular part of criminal prosecutions; substantial assets remain to be forfeited owing to significant delays in the processing of properties through the criminal justice system.

-- The GODR continues to take full advantage of law enforcement training and seminars offered by the USG, including current training at the National Police Academy. The USAID programs on Rule of Law/Human Rights and on Anti-Corruption have substantial training components directed to the justice system. NAS has offered training in asset forfeiture during FY 2004, for example a visit in March by GODR bank supervisors and money laundering investigators to the Financial Crimes Enforcement Network (FinCEN) in Washington and a June visit by bank regulators from the Financial Intelligence Unit and the Financial Analysis Unit to the annual Egmont meeting.

[1](#)7. The USG has proposed that the GODR enact legislative reforms to streamline asset forfeiture procedures, to permit forfeiture of property held by fugitives or deceased criminals, and to clarify authority for enforcement of foreign forfeiture orders.

-- Embassy representatives have discussed this proposal with legislators.

18. The USG has worked with the GODR to continue to engage with the governments of the United States and Haiti in a regional strategy for combating drug trafficking and criminal activity across the island of Hispaniola. Many GODR offers of cooperation and joint training to the Government of Haiti, reinforced by the Embassy, brought minimal results, and Haiti's political crisis, widespread violence, and change of government this year have suspended these efforts. Cross-border law enforcement cooperation has been limited to small, localized operations.

19. The USG asked the GODR to continue to implement the 1995 Dominican-U.S. bilateral maritime interdiction agreement and to implement related bilateral agreements.

-- The GODR continues to cooperate fully under the 1995 agreement concerning maritime counter-drug operations.

-- Under the 2003 protocol to the 1995 agreement, the GODR continues to permit U.S. overflight of the Dominican Republic and law enforcement operations by U.S. Coast Guard detachments embarked on ships of third-country governments.

-- The GODR has implemented a 2003 agreement concerning cooperation in maritime migration law enforcement to combat migrant smuggling.

10. The USG requested continued GODR cooperation in international and multinational interdiction operations.

-- The GODR continues to cooperate fully in interdiction operations. The DNCD has implemented a DEA plan to establish additional specialized units covering ports and airports.

11. The USG asked the GODR to enact comprehensive anti-corruption legislation to promote and strengthen mechanisms to prevent, punish, and eradicate corruption among public officials.

-- USAID continues to work with both houses of Congress and the judiciary to develop anti-corruption legislation. Legislative proposals pending before Congress include laws on government procurement, freedom of information, an independent prosecutor against corruption, public defenders, and a strengthened controller general. A law mandating an integrated financial management system has been passed and is being implemented. These laws will demonstrate progress toward compliance with the Inter-American Convention against Corruption, which the Dominican Republic has signed and ratified.

12. The USG pressed the GODR to take actions, such as vigorous prosecutions, against instances of public corruption to promote the effectiveness, efficiency, and integrity of Dominican public institutions.

-- The GODR has prosecuted some officials, but there have been no convictions. The collapse of three banks including Baninter in 2003 has led to ongoing prosecution of several former bank executives, in what has become a test of the GODR's ability to fight corruption. The GODR removed two officials from senior positions in which they were almost certainly engaged in corrupt practices.

13. The USG asked the GODR to create mechanisms to enforce standards of conduct and to continue to establish systems for disclosing income, assets, and liabilities by public officials, such as the publication on the internet of judges' financial disclosure statements.

-- Congress is considering a proposed law requiring a sworn declaration of assets by non-judicial public officials.

14. The USG asked the GODR to increase cooperation among Dominican military, customs, migration, and law enforcement agencies to tighten border and port security.

-- Over a dozen agencies collaborated and cooperated closely with U.S. law enforcement agencies to improve security at international airports and seaports in the Dominican Republic. In particular, CESA, the airport security agency, are working directly with on-site U.S. experts to improve the performance of airport security personnel. Indeed, the security plans for the Dominican Republic's main airport, in Santo Domingo, were entirely revamped in 2004. The National Police, military intelligence, and DNCD information systems units worked to create a network for sharing of information in their data bases.

15. The USG asked the GODR to increase the interdiction of drugs and illegal weapons.

-- Law enforcement agencies of the GODR continue to cooperate fully with U.S. counterparts. Official DNCD reports indicate a slight decrease in drugs seized this year. However,

Dominican authorities apprehended leaders of a major trafficking organization in December and since then have arrested 1,489 narco-traffickers including the head of a multi-national criminal organization operating from the Dominican Republic and a fugitive wanted by DEA, and have seized 33 weapons and 376 kilos of cocaine.

16. The USG asked the GODR to increase the number of arrests and prosecutions of major traffickers.

-- The GODR has continued to concentrate law enforcement efforts on high-level trafficking organizations, with increasing results in arrests of traffickers of particular interest to the USG. Five principal subjects are currently under investigation, with the assistance of a DNCD-run wire intercept unit, which has continued to accumulate evidence useful in investigation of major organizations.
HERTELL